

REMARKS

Independent claim 1 is pending in the application and has been amended. No new matter has been added by way of this amendment. Favorable reconsideration of the action mailed on March 20, 2006 is respectfully requested in view of the foregoing amendments and the following comments of the Applicants, which are preceded by related comments of the Examiner in small bold type:

Claim Rejections - 35 USC 5 102

4. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Langseth et al. (6,694,316 hereinafter Langseth).

With respect to claims 1-4, 6-8, 15-16, Langseth teaches a computer controlled method for managing offers (abstract). Preparing data characterizing a plurality of offers, each offer being associated with a targeted individual and one of a plurality of channels for presenting offers data to the target individual (Figure 2A); selecting from the plurality of offers a number of offers for presenting to the individuals associated with those offers, including for at least some individuals, selecting from multiple offers associated with each of those individuals (col. 8, lines 31-53); presenting the selected offers to the associated individuals over the associated ones of the plurality of channels (col. 8, lines 31 to col. 9, lines 18-26); the selection being based on a rule-based engine executing offer data processing rules to determine which sets of offer data can be sent to each of those individuals, the data processing rules including an internal set of pre-defined rules being selected from the group consisting of prioritization rules, selection rules, and time-based rules. Langseth teaches that the affiliate's system may selectively choose the subject matter of content to be delivered to their subscribers and that selection may be based on the business of the affiliates. For example, a golf web site may only desire to enable its subscribers to access a sports channel. The affiliates send the content of the offer to a personalized intelligence network (PIN) and the PIN determines which offers to output to the subscribers based on certain criteria of the customer (Figure 19, 916). The PIN governs the presentation of the advertisements provided to the subscribers based on subscriber information, the type of service or channel being run, the time of day, the time of year, and the like (see Figure 19 and col. 3, lines 41-45 and col. 27, lines 45-64).

Amended independent claim 1 is directed to a computer-controlled method for managing and distributing sets of offer data. The method includes preparing sets of offer data that characterize a plurality of offers. Each set of offer data is associated with a targeted individual and one of a plurality of channels for presenting sets of offer data to the targeted individual. The plurality of channels includes direct channels and indirect channels.

The method also includes selecting from the sets of offer data a number of sets of offer data for presenting to the individuals associated with those sets of offer data. For at least some individuals, the method includes selecting from multiple sets of offer data associated with each of those individuals. The selection is based on a rule-based engine executing offer data processing rules to determine which sets of offer data can be sent to each of those individuals. The data processing rules include an internal set of pre-defined rules governing overall operation of the rule-based engine. The offer data processing rules are selected from the group consisting of prioritization rules, selection rules, and time-based rules.

The method also includes presenting the selected sets of offer data to the associated individuals over the associated ones of the plurality of channels.

Responding to the Office Action reply filed December 28, 2005, the Examiner states that Langseth describes using pre-defined internal rules to control delivery of offers, as required by independent claim 1. In this regard, page 4 of the Final Office Action states:

5. Applicant argues that Langseth does not teach using pre-defined internal rules to control delivery of offers, thus allowing the offeror to effect control over the offer content delivered to the offeree, through which channel is offered, and when it is sent. The Examiner respectfully disagree with Applicant because Langseth teaches on col. 27, lines 45-64, a second set of information or offers/advertisements selected and determined by the affiliates or offerors "affiliate advertisements may be included in the service outputs. Affiliate advertisements may be advertisements about the affiliate or advertisements sold by the affiliate to a third party entity. For example, a newspaper may be an affiliate to enable its subscribers to subscribe to a news channel on the PIN. The newspaper may either run an advertisement in a service output for that newspaper or may sell a spot to a third party, such as a restaurant, hotel, etc. In either event, the affiliate may select an advertisement and supply the advertisements to the PIN to be included in service output. The advertisement selected may also be personalized based on predetermined criteria including the subscriber information, the type of service or channel being run, the time of day, the time of year, and the like". As stated above in Langseth, the advertisements are control by the affiliates, the affiliates use pre-defined internal rules or criteria to determine and personalize the advertisements based on the subscriber's information what advertisements to present to the subscribers and the best time and delivery method to use to deliver the advertisements to the subscribers.

However, Langseth is not understood to disclose or suggest "preparing sets of offer data characterizing a plurality of offers, each set of offer data being associated with a targeted individual and one of a plurality of channels for presenting sets of offer data to the targeted individual, wherein the plurality of channels includes direct channels and indirect channels", as

required by amended independent claim 1 (emphasis added). In regards to direct and indirect channels, the subject application reads with reference to FIG. 1:

Channels 140 include a number of direct channels 146, which are channels that do not involve an intermediary in presenting an offer passing through the channel to the customer. Examples of direct channels 146 include email, Web, and direct mailings. Channels 140 also include indirect channels 142 through which offers are first delivered to agents 144, who then present the offers to customers 110. Examples of agents 144 are sales representatives or an organization who interact with customers 110. Some indirect channels 142 include automation tools, such as sales-force automation (SFA) systems and lead management systems that provide support to sales agents. In other indirect channels 142 offers are delivered to agents using simpler mechanisms such as electronic mail and facsimile. Channels 140 also include outbound call centers through which customers 110 are solicited by telephone. Operators at these call centers can make use of a lead management system in interacting with the customers. (page 5, lines 7-18)

In contrast, Langseth describes channels as subject-based service carrier. For example, subjects such as finance, travel, business, sports, weather, news, etc. may be associated with a particular channel. A person may then subscribe to one channel (or more) to access one or more services within the channel. In this regard, Langseth reads:

To make better decisions, people need the right information at the right time. With the proliferation of new means of communication like alphanumeric pages, alphanumeric phones, fax machines and email, communications with people anywhere at anytime have been enhanced. The system of the present invention uses these communication mediums to enable people to make the right decisions, be delivering the information right into their hands through the use of a plurality of subject-based channel of information to which individuals may subscribe. Within each channel, a subscriber may elect from a plurality of services related to that subject-matter. Each of a plurality of different possible channels is detailed below including a finance, travel, business, sports, weather, news, radio content, television content. Also, arts and entertainment, health and a variety of other channels may also be provided within the scope of the present invention. (col. 7, lines 4-20)

Additionally, Langseth reads:

Additionally, according to an embodiment, the data may be organized into one or more "channels" of data. All data in a particular channel may have some relationship, such as by subject matter, date, type, etc. In a preferred embodiment, all channel data relates to the same general subject matter, such as sports, investments, weather, travel, etc. (col. 8, lines 8-13)

Thus, Langseth describes channels as subject-specific information carriers and is not understood to disclose or suggest channels that may directly or indirectly pass offers to customers.

Accordingly, Applicants respectfully assert that the teachings of Langseth fail to disclose each and every element of the Applicants' invention as claimed in amended independent claim 1.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

In view of the foregoing amendments and remarks, Applicants respectfully submit that the application is in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience.

Applicants' undersigned attorney can be reached at the address shown below. All telephone calls should be directed to the undersigned at 617-368-2191.

The required amount of \$510 for the Petition for Extension of Time fee is being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization. Please apply all charges or credits to Deposit Account No. 06-1050, referencing Attorney Docket No. 10235-048001.

Respectfully submitted,

Date: _____

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